IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Writ Petition No.6684 of 2004

Rajan Hanmant Kale ..Petitioner

vs.

Gangadhar Govind Gosavi ..Respondent

Shri P.B.Shah for petitioner

Shri C.M.Arjunwadkar i/b Shri G.S.Godbole for respondent.

CORAM: S.B.MHASE J.
28th March, 2006

P.C.

1. This writ petition arises from the order passed below Exh.5 in Reg.Civil Suit No.517 of 2001 pending on the file of the Joint Civil Judge, Jr.Dn., Pandharpur. The petitioner is the original plaintiff in the said suit and he had filed application Exh.5. On the said application, on 31st October, 2001, exparte injunction was granted by the Trial Court. After hearing both sides the said order of exparte injunction was confirmed till decision of the suit by order dated 27th August, 2002. Being aggrieved by the said judgment and order the respondent/original defendant preferred Misc.Civil Appeal No.122 of 2002 which was decided by the II Additional District Judge, Pandharpur by judgment and order dated 2nd July, 2004. The said Misc.Appeal was allowed and the order passed by the Trial Court below Exh.5 was set aside and the application Exh.5 was rejected. Therefore, the petitioner/original plaintiff has approached this Court

by filing the present writ petition. By order dated 19th August, 2004 this Court issued notice before admission returnable in the week commencing from 13th September, 2004 and granted status quo as of today till further orders. The said status quo is in force till today. The net result of all these orders is that there is an interim order operating as against the respondent/original defendant from 31st October, 2001 till date. In view of these facts and circumstances, the learned counsel for the petitioner submitted to this Court that maintaining the order of statusquo as granted by this Court the Trial Court be directed to dispose of the suit within a period of three months on merits.

2. The learned counsel for the respondent submitted on instructions that he has no objection for directing the Trial Court to dispose of the suit as expeditiously as possible within a period of 3 months. He has shown willingness to continue the order of status quo till disposal of the suit by the Trial Court and he submitted that the said concession is only limited to the extent of disposal of the suit by the Trial Court and it shall not be taken as concession till final disposal of the suit.

3. In view of the concession the following order is passed.

"The hearing of the suit is expedited.

Trial Court is directed to dispose of the suit as early as possible within a period of four months from today. If it is found necessary Trial Court may fix the hearing of the suit on day today basis and dispose it of. Both the parties shall cooperative with the Trial Court for disposal of the suit within a period of four months. Status quo to continue till disposal of the suit. Trial Court is further directed that it shall decide the matter on the basis of evidence and material produced before it on merit without being influenced by the orders of the Appellate Court or of this Court.

4. Petition is disposed of accordingly.

(S.B.MHASE J.)